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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,736

11/10/2006

Olivier Braun

Serie 6366

4496

466 7590 09/23/2009

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209 Madison Street
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EXAMINER

EGWIM, KELECHI CHIDI

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

09/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,736	Applicant(s) BRAUN, OLIVIER	
	Examiner Dr. Kelechi C. Egwim	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 16-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 16-26, drawn to an inverse latex composition.

Group II, claim(s) 27 and 28, drawn to a process for preparation of a composition.

Group III, claim(s) 29 and 30, drawn to the use of the composition of group I as a thickener.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 16, at least, is anticipated by or obvious over WO 10/35922. Consequently, the special technical feature which links the claims, the inverse latex, does not provide a contribution to the prior art and so unity of invention is lacking.

2. During a telephone conversation with Elwood L. Haynes on 9/21/09, a provisional election was made with traverse to prosecute the invention of Group I, claims 16-26. Affirmation of this election must be made by applicant in replying to this Office action.

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Claims 27-30 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

3. During the conversation with Elwood L. Haynes, the examiner also indicated a species restriction between the species of monomers in claims 20 to 23. However, upon further examination, since these claims lack antecedent bases from the independent claims and do not exclusively require one of the monomers in these claims over those in the other claims and only appear to attempt further defining the monomers of the polymer of claim 16, the species restriction is withdrawn. The genus defined in claim 16 is examined as claimed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 18 and 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 18, the phrases "preferably" and "more particularly" render the claim indefinite because it is unclear whether the limitations following the phrases are part of the claimed invention. See MPEP § 2173.05(d).

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7. Claims 20-23, recite “the monomer possessing a strong acid functional group”, “the monomers possessing weak acid functional group”, “the monomers possessing weak acid functional group” and “the cationic monomers”, respectively, in claim 16. However, since claim 16 does not recite any of “the monomers” recited in these claims, there is insufficient antecedent basis for these limitations in these claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 16-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (GB 1482515).

In page 1, lines 84-95 and page 2, line 64 to page 3, line 9, Anderson et al. teach an inverse latex comprising:

a) up to about 68% (90% of 75%) by weight of at least one linear or branched organic polymer, such as copolymers of acrylic acid and acrylamide;

b) from 1% by weight to 10% by weight of an emulsifying system of water-in-oil (W/O) type; and

c) from 25% by weight to 75% by weight of at least one oily continuous phase.

Thus, the requirements for rejection under 35 U.S.C. 102(b) are met.

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10. Claims 16-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (EP 126 528).

In page 4 and page 5, lines 3-18, Allen et al. teach an inverse latex comprising:

a) from 30% by weight to 85% by weight of at least one linear, branched or crosslinked organic polymer, such as the crosslinked copolymers of acrylamide and acrylic acid, partially salified in the salt form;

b) from 1% by weight to 10% by weight of an emulsifying system of water-in-oil (W/O) type;

c) from 15% by weight to 70% by weight of at least one oily continuous phase;
and

d) a crosslinking agent, such as methylene bisacrylamide.

Thus, the requirements for rejection under 35 U.S.C. 102(b) are met.

11. Claims 16-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Mallo et al. (WO 01/35922).

In col. 1, line 45 to col. 2, line 15 of US 7,033,600, which is the English language translation of WO 01/35922, Mallo et al. teach an inverse latex comprising:

a) from 20% by weight to 60% (preferably 50%) by weight of at least one linear, branched or crosslinked organic polymer, such as the crosslinked copolymers of acrylamide and 2-methyl-2-[(1-oxo-2-propenyl)amino]-1-propanesulfonic acid, partially salified in the sodium salt form;

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b) from 4% by weight to 10% by weight of an emulsifying system of water-in-oil (W/O) type;

c) from 15% by weight to 45% by weight of at least one oil; and

d) from 0.005% to 1% by weight of a crosslinking agent such as sodium diallyloxyacetate.

Thus, the requirements for rejection under 35 U.S.C. 102(b) are met.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kelechi C. Egwim whose telephone number is (571) 272-1099. The examiner can normally be reached on M-T (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dr. Kelechi C. Egwim/
Primary Examiner, Art Unit 1796

KCE